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ATTORNEYS FOR PLAINTIFFS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OATHER MCCLUNG, ABBY LINEBERRY,
TERRY MICHAEL COOK and GREG
DESSART, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

ADDSHOPPERS, INC., PRESIDIO
BRANDS, INC., PEET'S COFFEE, INC., and
JOHN DOE COMPANIES,

Defendants.

Case No. 3:23-cv-01996-VC

**DECLARATION OF KASEY
YOUNGENTOB IN SUPPORT OF
MOTION FOR LEAVE TO AMEND THE
COMPLAINT**

Judge: Hon. Vince Chhabria

DECLARATION

I, Kasey Youngentob, hereby attest:

1. Miguel Cordero first contacted me on October 29, 2023, after he received an email to his Yahoo email account from Cruise America via SafeOpt despite providing no personal information when he visited the website.

2. He requested his information associated with his Yahoo email account from AddShoppers on November 8, 2023, which showed he had been tracked by AddShoppers while visiting Cruise America and Westgate Resorts' websites.

3. I contacted Mr. Cordero on July 23, 2024, to provide a status update on the two pending cases against AddShoppers.

4. Mr. Cordero told me that he received his first email via SafeOpt to his Gmail email account on June 28, 2024. He had not previously received a SafeOpt email at this address.

5. Miguel Cordero requested his information associated with his Gmail email account from AddShoppers on July 25, 2024. Mr. Cordero's data showed that he had been tracked by AddShoppers while visiting Peet's website.

6. Defendant Peet's Coffee, Inc. argued in its motion to dismiss that the California Invasion of Privacy Act does not apply to out of state residents including the current class representatives Plaintiffs Terry Michael Cook and Greg Dessart. Dkt. No. 51 at 16. The Court rejected the argument as "unsuccessful, and too weak or undeveloped to merit a response." Dkt. No. 89 at 5. During conversation with Defendants, they have continued to take the position the class representatives' out of state status precludes class certification.

7. Mr. Cordero is a California resident who was tracked by AddShoppers while he visited Peet's website from California.

8. Plaintiffs' counsel informed Peet's they had identified a California representative to represent a California class against the company in mid-August.

9. Plaintiffs' counsel requested consent from Peet's for leave to add Mr. Cordero as a class representative on September 12, 2024. Plaintiffs' counsel then spent the middle part of the month explaining the basis for Mr. Cordero's claim. Plaintiffs' counsel also requested consent from AddShoppers for leave to add Mr. Cordero as a class representative at the end of September.

10. At Peet's request, Plaintiffs' counsel provided a draft amended complaint on September 30, 2024. Plaintiffs' counsel also provided the draft amended complaint to AddShoppers on the same day. Plaintiffs' counsel requested a response by the end of the week.

11. After Peet's failed to respond, Plaintiffs' counsel followed up on October 7, 2024, suggesting that Mr. Cordero might need to file a separate case and relate the matter to ensure they preserved all Mr. Cordero's rights.

12. Peet's denied Plaintiffs consent for leave to amend the complaint on October 8, 2024. AddShoppers denied consent for leave to amend the complaint on October 15, 2024.

13. AddShoppers and Peet's deposed Plaintiff Dessart's wife on September 26, 2024. Defendants have not conducted any depositions of the class representatives, but they are now tentatively scheduled for November.

14. Peet's served its first set of discovery requests on October 1, 2024.

15. Mr. Cordero has agreed to treat all the discovery requests as if they were originally propounded upon him.

16. Plaintiffs' proposed First Amended Complaint is attached to this Declaration as Exhibit A.

17. Plaintiffs' redline comparison of changes between the Complaint and First Amended Complaint is attached to this Declaration as Exhibit B.

Dated: October 22, 2024

By: /s/ Kasey Youngentob